

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

NOV 27 2009

THE FLAG COMPANY, a
Georgia Corporation,
Plaintiff,

vs.

STEVEN A CHAN, LLC (d/b/a FIVE
STAR FLAGS and/or VIA5), a
California Limited Liability Company,
and STEVEN A. CHAN, a California
resident,
Defendant

JAMES N. HATTEN, CLERK
By: Deputy Clerk

Case No.: 1:09-CV-1880

**MOTION TO DISMISS STEVEN A CHAN, LLC (d/b/a FIVE STAR FLAGS
and VIA5)**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Specially appearing Defendant STEVEN A. CHAN
("Chan"), and submits this MOTION moving this Honorable Court DISMISS
STEVEN A CHAN LLC (d/b/a FIVE STAR FLAGS and VIA5) FROM THIS
MATTER. In support, Chan shows the Court as follows:

1. In this case Plaintiff brings infringement allegations against Steven A
Chan, ("Chan") and Steven A Chan LLC (d/b/a FIVE STAR FLAGS AND VIA5)
(hereinafter "Five Star Flags").

1 2. By this action, Plaintiff alleges wrongdoing by Chan and Five Star Flags
2 within an area of law whereby the practitioners charge enormous sums of money
3 for handling litigation. (see Plaintiff's Complaint.) Chan was not quoted below one
4 hundred thousand dollars as the legal costs for defending this suit, with individual
5 man hour costs from \$250 to \$800 per hour.

6
7 3. Five Star Flags cannot afford counsel to defend itself in this action.
8

9 4. Plaintiff sues Chan individually and Five Star Flags; it is apparent their
10 litigation intent is to pierce any veil between Five Star Flags and Chan.
11

12 5. Plaintiff theorizes Chan and Five Star Flags are the same.
13

14 6. Chan stipulates to paragraph 5. Chan IS the altar ego of Five Star Flags.
15

16 7. As a consequence of paragraph 3,
17

18 a) on November 23, 2009, Chan issued via the United States Postal
19 Service, to the State of California, Secretary of State, a Limited Liability
20 Company Certificate of Cancellation Filing for LLC-4/7 (copy attached as
21 Exhibit A)

22 b) on November 23, 2009, Chan issued via the United States Postal
23 Service, to the State of California, Secretary of State, a Limited Liability
24 Company Certificate of Dissolution Filing LLC-3 (copy attached as Exhibit
25 B)
26

1 8. By the acts in paragraph 7, Five Star Flags is wound down, and is no
2 longer a legal entity. Chan IS the successor.
3

4 Chan hereby prays the Honorable Court dismiss the entity formerly known
5 as Steven A Chan, LLC from the action as that entity has been wound down and
6 dissolved. Our proposed order is attached.
7

8
9
10 Respectfully submitted, this 23th day of November, 2009.
11

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14 
15

16 Steven Chan
17 720 Center Street
18 Costa Mesa, CA 92627
19
20
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26

CERTIFICATE OF COMPLIANCE

Pursuant to Civil Local Rule 7.1D, this is to certify that the foregoing Motion to Dismiss Steven A Chan, LLC (d/b/a Five Star Flags and VIA5) Quash Personal Service of Summons complies with the font and point selections approved by the Court in Civil Local Rule 5.1C. The foregoing Memorandum was prepared on computer using New Times Roman font (14 point).

DATED this 25th day of November, 2009

A handwritten signature in black ink, appearing to read 'SChan', written over a horizontal line.

Steven Chan

Appearing *pro se*

2viavr@gmail.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THE FLAG COMPANY , INC. a)	
Georgia Corporation,)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.
vs.)	
)	1:09-CV-1880
STEVEN A CHAN, LLC (d/b/a FIVE)	
STAR FLAGS and/or VIA5), a)	
California Limited Liability Company,)	
And STEVEN A. CHAN, a California)	
resident)	
Defendant)	
_____)	

CERTIFICATE OF SERVICE

This is to certify that I have this day manually filed by placing into a package, sent by Federal Express Next Day Air tracking number 791248345762, the foregoing **MOTION TO DISMISS STEVEN A CHAN, LLC (d/b/a FIVE STAR FLAGS AND VIA5)** with the Clerk of Court. The Clerk of Court will use the CM/ECF system to automatically send e-mail notification of such filing to the following attorneys of record:

J. Tucker Barr
Arnold Golden Gregory LLP
171 17th Street, N.W., Suite 2100
Atlanta, GA 30363-1031
Tel: (404) 873-8500
Fax: (404) 873-8501
Email: Tucker.barr@agg.com

Further, a copy has been placed in the US Mail, and sent to:

J. Tucker Barr
Arnold Golden Gregory LLP
171 17th Street, N.W., Suite 2100
Atlanta, GA 30363-1031
Tel: (404) 873-8500
Fax: (404) 873-8501
Email: Tucker.barr@agg.com

Dated, the 25th day of November, 2009

A handwritten signature in black ink, appearing to read 'S. Chan', written over a horizontal line.

Steven A. Chan

Appearing *pro se*

2viavr@gmail.com